

S.B. CIVIL WRIT PETITION NO.4763/2004.
(STATE VS. DHANNA RAM & ANR.)

DATE OF ORDER : 26.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Shyam Ladreacha, AGA, for the petitioner/s.
Mr. G.R. Punia for the respondent/s.

By this petition for writ, a challenge is given to the order dated 18.12.2002 passed by Labour Court, Sriganaganagar while accepting an application preferred by the respondent workman under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act of 1947").

Brief facts of the case are that the respondent workman was terminated by the petitioner employer w.e.f. 14.06.1992. Being aggrieved by the same, the workman raised an industrial dispute, that was referred to the Labour Court, Sriganaganagar for its adjudication under a notification dated 25.11.1995 issued by the appropriate government. The Labour Court by its award dated 30.03.2000 answered the reference holding therein that the termination of the workman amounts to retrenchment that was not just and legal being in violation of the provisions of Section 25-F of the Act of 1947, accordingly the same was set aside and a direction was given to reinstate the workman with 50% back wages. It was also made clear that in the event of non-reinstatement of the workman within a period

of three months from the date of award, the workman shall be entitled for getting interest @ 12% per annum on back wages. Because of non-payment of back wages as ordered by the Labour Court under the award dated 30.03.2000, the petitioner preferred an application under Section 33-C(2) of the Act of 1947 for determination of wages for the period from 22.07.1995 to 31.08.2002. The Labour Court determined a sum of Rs.72,908/- as back wages including the interest @ 12% per annum. Being aggrieved by the same, this petition for writ is preferred.

It is contended by counsel for the petitioner that the Labour Court travelled beyond the jurisdiction vested with it while granting interest to the petitioner as it was not part of the award dated 30.03.2000.

I do not find any force in the contention so raised. It is the position admitted that till passing of the order impugned dated 18.12.2002, the workman was not reinstated by the employer in pursuant to the award dated 30.03.2000. The Labour Court under the award dated 30.03.2000 made it clear that if the workman be not reinstated within a period of three months, he shall be entitled for interest @ 12% per annum on back wages. In view of it, the Labour Court while determining

back wages rightly determined the interest that was required to be paid thereon.

In view of whatever discussed above, the order impugned does not warrant interference of this Court under Article 226 and 227 of the Constitution of India.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/